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C O N F I D E N T I A L SECTION 01 OF 02 BAKU 000154

SIPDIS

EUR FOR MATT BRYZA; DRL FOR KAREN STEWART

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TAGS: [GOV](#) [PINR](#) [PREL](#) [KDEM](#) [PHUM](#) [AJ](#)

SUBJECT: AZERBAIJAN: HUMAN RIGHTS DEFENDER UNDER FIRE AS

REFERENDUM NEARS

REF: A. BAKU 125

[1](#)B. BAKU 146

Classified By: Political-Economic Chief Robert Garverick, Reasons 1.4 (b,d)

[1](#)1. (C) Summary: Azerbaijan,s Minister of Internal Affairs continues his lawsuit against human rights defender Leyla Yunus, though the case seems to have lost momentum. Baku,s Yasamal District Court may resume hearings on March 2, even though some senior officials may privately be expressing reservations. Yunus still believes that the case is tied to her role as &coordinator8 of groups opposing constitutional changes, subject to a referendum March 18. These groups are unified in opposition, but lack a plan of action to conduct a campaign. End Summary

Yunus Trial Update

[1](#)2. (C) PolEcon Chief met February 13 with human rights defender Leyla Yunus to discuss the ongoing lawsuit, in which Minister of Internal Affairs Ramil Usubov has charged her with slander. As reported reftel a, the Minister accused Yunus of sullyng his name in an interview in the online news service day.az late last year, when Yunus was discussing with reporters police behavior relating to an investigation of alleged human rights abuse.

[1](#)3. (C) Yunus said that on January 26 her case had been transformed from Baku,s Nasimi district to the Yasamal District Court, based supposedly on Yunus, legal home address. Following that action, all had been &silent.8 Yunus speculated that &the Presidential Apparat is unhappy with the case8 and that none of Baku,s regional courts wanted to hear it. Minister Usubov, she said, was now at a loss as to what to do. At this point, he could withdraw the charge or wait for a court to dismiss it, or alternatively be stubborn and proceed. Yunus said that she had consulted with her lawyer and developed a plan to ease tensions with the Minister, i.e., provide an olive branch, of sorts, by agreeing to an additional interview in day.az about the Khojali massacre and the plight of displaced persons. However, as a result of events are very likely are unrelated, the day.az website was closed, and then sold to unknown investors. On February 27, the day.az site finally returned to the internet at a slightly different url address.

[1](#)4. (C) (Note: subsequently, on February 20, Yunus notified the international community in Baku to say that Yasamal District Court would continue with the case on March 2. She called for international observers to participate in the process and demand that proper procedures are followed and an

adequate venue be employed. In previous hearings at the Nasimi District Court observers were turned out of the court room due to a lack of seats for the large number of attendees. Embassy plans to send an observer to the March 2 hearing. End Note)

#### Opposition Coordination Efforts

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15. (C) Yunus has long believed that she was a target for prosecution because of the role she is playing as &coordinator8 for political activists who oppose constitutional changes as proposed in the March 18 referendum. The Central Election Commission (CEC) registered two opposition groups in mid-February as &advocacy groups.8 Seven pro-government groups were likewise registered. Yunus noted that opposition groups were &surprised8 by the registration, having assumed all the while that their petitions would be denied. As a result, she admitted, the two groups ) &For Karabakh and the Republic8 and &the Republicans8 ) did not really have a plan to mount a campaign.

16. (C) Yunus said that the groups would begin meeting to formulate a strategy. Finding a venue, however, would be a problem. The opposition groups, she said, would take part in television and radio roundtables and request government funds to cover publication and printing costs, in accordance with CEC regulations. At the district ) or constituency ) level, she noted, the opposition had not registered any advocacy groups. (Note: according to the CEC, 124 district advocacy groups are registered to work on local levels.) Domestic observers, she said, would mainly be placed by

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pro-government groups. On election day, she predicted, apathy would prevail, as Azerbaijan,s citizens seemed to be showing little enthusiasm for the vote.

Comment  
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17. (C) Many observers in Baku continue to believe that Minister Usubov,s case against Yunus is politically driven, and otherwise is without merit. Thus far, nothing has been accomplished within the criminal justice system, and courts appear to be confused about how to proceed. Meanwhile, Yunus is the voice of the opposition to the March 18 referendum. Whether she will have an impact is uncertain, however, as the opposition groups continue to struggle with organization and fundraising, and lack access to media and assembly sites.  
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